

United States Senate
WASHINGTON, DC 20510

March 14, 2023

VIA ELECTRONIC TRANSMISSION

Michael J. Missal
Inspector General
U.S. Department of Veterans Affairs
Office of Inspector General

Dear Inspector General Missal:

I write today to follow up on the U.S. Department of Veterans Affairs Office of Inspector General's (VA OIG's) March 24, 2022, report titled, "Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG."¹ Your report substantiated some of the whistleblower allegations made to my office. Specifically, it confirmed that a senior VA official, Charmain Bogue, violated ethics rules by engaging in VA business with her husband's employer, Veteran's Education Success (VES).² Notably, the report acknowledged that its investigation was significantly hindered by Ms. Bogue's refusal to cooperate—a violation of her duty as a federal employee.³

In addition to Ms. Bogue's refusal to fully cooperate, her husband, Barrett Bogue, and the VES president, Carrie Wofford, also refused to sit for interviews.⁴ Your report noted that, "[w]ithout clarifying explanatory testimony under oath from Mr. Bogue and the VES president, the OIG could not resolve . . . seemingly contradictory statements, and both declined requests for OIG interviews."⁵ Consequently, your investigation was cut short because your office lacked testimonial subpoena authority over these three key individuals. Despite lacking testimony from these three critical witnesses, the report still uncovered multiple instances of egregious wrongdoing. As you'll recall, the report made four key findings:

1. Ms. Bogue participated in matters involving her spouse's employer without considering whether it raised an apparent conflict of interest and acted contrary to ethics guidance she received from her supervisors;

¹ U.S. Dep't. of Veterans Aff., Off. of Inspector Gen., #21-02076-119, Former Education Service Executive Violated Ethics Rules and Her Duty to Cooperate Fully with the OIG (2022), <https://www.va.gov/oig/pubs/VAOIG-21-02076-119.pdf>.

² *Id.* at i.

³ *Id.* at ii, 21-22; 5 U.S.C. App. 3. § 6 (a)(3), 38 C.F.R. § 0.735-012(b); Dep't. of Veterans Aff., VA Handbook 5025, *Legal*, Pt. I.4.b (Mar. 25, 2022).

⁴ U.S. Dep't. of Veterans Aff., Off. of Inspector Gen., #21-02076-119 at 26.

⁵ *Id.* at 13.

2. Ms. Bogue sought résumé feedback from the VES president to aid in her search for career federal jobs without considering whether this raised appearance concerns in subsequent VES matters, in violation of the apparent conflict of interest rule. The OIG could not substantiate whether she used her public office for private gain;
3. Ms. Bogue provided insufficient detail about her spouse's business in 2019 and 2020 public financial disclosures but remedied it in her 2021 disclosure; and
4. Ms. Bogue refused to cooperate fully in the OIG's investigation.⁶

Lingering questions remain as to how rampant these violations were, or whether other employees may have similar ongoing conflicts. Moreover, it is still unclear whether VES is currently allowed to conduct business with the VA despite refusing to cooperate with a VA OIG inquiry of such consequence, whether or not Mr. and Ms. Bogue have been barred from working for or on behalf of the VA in any capacity, and whether they are barred from receiving any taxpayer money through private-public initiatives. Further, several whistleblower allegations remain uninvestigated, and VA has continued stonewalling my congressional investigation by refusing to turn over documents and information to my office despite repeated requests to do so.

And while these longstanding issues need further attention, whistleblowers have raised additional allegations regarding potential contract irregularities that your office should be aware of. As my letter of March 14, 2023, to Secretary McDonough details, these allegations involve the potentially-inappropriate steering of lucrative VA contracts related to the GI Bill modernization initiative to former VA officials who resigned under ethical clouds: Mr. Danny Pummill, who left VA after being suspended due to VA's relocation scandal, and Ms. Allison Hickey, who resigned after your office found irregularities in the promotions and reimbursements of dozens of officials in her department.⁷

The apparent pattern of ethics violations among these officials strongly suggests a need to investigate any internal allegations that may exist related to potential contract irregularities, especially those related to the GI Bill modernization initiative. You should determine whether these contracts followed all applicable procedures, that close associates of these officials were

⁶ *Id.* at 2.

⁷ See, USASpending.gov, Spending by Prime Award, Contracts for Le'Fant LLC, <https://www.usaspending.gov/search/?hash=fb8d9896f9fc8c967e8642c0879ae71e>; USASpending.gov, Contract Summary for Awarding Agency U.S. Dep't of Veterans Aff. and Recipient Le'Fant LLC, https://www.usaspending.gov/award/CONT_AWD_36C10E20C0003_3600_-NONE_-NONE-; USASpending.gov, Contract Summary for Awarding Agency, U.S. Dep't of Veterans Aff. and Recipient Le'Fant LLC, https://www.usaspending.gov/award/CONT_AWD_36C10X18C0055_3600_-NONE_-NONE-; USASpending.gov, Award Profile, Contract Summary, Sub-Awards to All In Solutions LLC, https://www.usaspending.gov/award/CONT_AWD_36C10D21N0007_3600_VA11816D1013_3600; VA benefits chief retiring; was suspended in relocation scam, Fox News (June 16, 2016), <https://www.foxnews.com/us/va-benefits-chief-retiring-was-suspended-in-relocation-scam>; Veterans Affairs Official Allison Hickey Resigns, Wall Street Journal (October 16, 2015), <https://www.wsj.com/articles/top-veterans-affairs-official-allison-hickey-resigns-1445032519>.

recused from making award decisions, and that no favoritism or impropriety was involved in steering these critical funds to prior VA officials, a process that Ms. Bogue apparently was involved in, according to her public statements.⁸

Thankfully, in an effort to empower VA OIG and strengthen oversight over bad actors in both the private and public sector, Congress instituted a bipartisan solution and provided you additional tools that will enable you to investigate both the new allegations of contract impropriety and matters my office brought to your attention in 2021, which you were unable to fully investigate due to the subjects' failure to cooperate. My colleagues in the Senate aided in giving your office more authority to investigate wrongdoing by passing S. 2687, the Strengthening Oversight for Veterans Act of 2021, which was signed into law by President Biden.⁹ Thanks to these efforts, VA OIG is now equipped with testimonial subpoena authority to investigate all allegations of waste, fraud, and abuse in VA programs. The American taxpayer has a right to know whether or not criminal conflicts of interest existed at VA, whether or not a federal employee tried to leverage her senior VA position into more lucrative positions, and whether VA officials steered contracts in a biased manner to former colleagues. Further, Congress must know how prevalent these problems may be in order to make sure they do not happen again.

In addition to renewing its inquiry into previous issues not fully investigated, Congress must know to what extent VA OIG is taking advantage of this new authority, and whether it is using it as appropriate. Our veterans and the taxpayer deserve to know that the money entrusted to VA is used appropriately, and that people are not seeking to benefit from their federal positions. Therefore, I also seek a briefing on VA OIG's use of testimonial subpoena authority to date, and how your office plans use this authority in the future.

It is time that VA OIG completes its mission and conducts a thorough investigation into these allegations. Should you have any questions, contact my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget

⁸ See, William McCormick, Accenture Federal Services Secures \$453M VA IT Contract; Shawn Roman, Charmain Bogue Quoted, Executive.gov (March 29, 2021), <https://executivegov.com/2021/03/accenture-federal-services-secures-453m-va-it-contract-shawn-roman-charmain-bogue-quoted/>.

⁹ Strengthening Oversight for Veterans Act of 2021, S. 2687, 117th Cong., Pub. Law No. 117-136, <https://www.congress.gov/bill/117th-congress/senate-bill/2687>.